

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Deng

Application No. 10/608,260

Filing Date: 06/27/2003

Title: Fireplace

Examiner: Jeffery, John A.

Art Unit: 3742

Attorney Docket No. 05-09-2569

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By:



Dylan C. Dang
Reg. No. 55,797

SUPPLEMENTAL STATEMENT IN COMPLIANCE WITH 37 CFR 10.18(b) IN RE:
PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Attention: Frances Hicks, Petition Examiner
 Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Fax (703) 872-9306

Dear Sir/Madam:

On September 28, 2005, Applicant submitted a petition to revive the above-identified application pursuant to 37 CFR 1.137(b). The application had become abandoned for failure to file a timely reply to a notice of abandonment issued by the United States Patent and Trademark Office on December 28, 2004 (though it might be noted that all claims were allowed notwithstanding objections as to formalities). A Decision Granting Petition Under 37 CFR 1.137(b) was issued on January 11, 2006. This statement is submitted to supplement the facts recited in the September 28, 2005 petition to revive.

The petition to revive was made on the basis that Applicant was never informed of the Office Action by Applicant's former prosecution counsel of record, and that Applicant did not learn that the application (and others) had been permitted to go abandoned by the former prosecution counsel until after Applicant substituted new counsel in late September 2005. As such, it was submitted that the entire delay in filing the required reply from the due date for the reply until the filing of the petition was unintentional.

Subsequent to the submission of the petition to revive, current counsel was able to obtain the files for the application from prior counsel after repeated requests for the files. It was noted that the files maintained by prior counsel contained letters to Applicant referencing the Office Action and the Notice of Abandonment, thus appearing to indicate that Applicant may have been notified of the Office Action and the Notice of Abandonment in regards to the application. However, Applicant has maintained that these letters were not received, and that Applicant was never informed of the abandonment. Applicant has averred that prior counsel had been uncooperative in maintaining communication with Applicant regarding the status of the application.

In compliance with 37 CFR 10.18(b), this supplemental statement is submitted in furtherance to the petition to revive.

Respectfully submitted,

Trojan Law Offices
By



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February 1, 2006